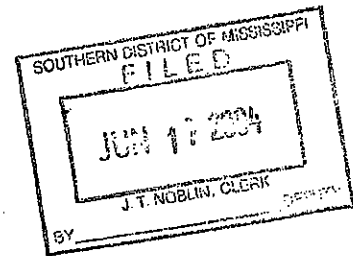


FORM 1 (ND/SD Miss. DEC. 2000)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



OLIVIA Y., *ET AL.*

Plaintiffs

v.

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, AS GOVERNOR OF THE
STATE OF MISSISSIPPI, *ET AL.*

Defendants

CASE MANAGEMENT ORDER

This Order, including the deadlines established herein, having been established with the participation of all parties, can be modified only by order of the court upon a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record. IT IS HEREBY ORDERED:

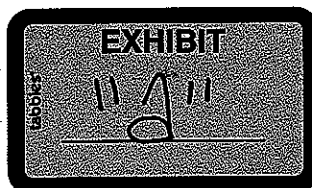
1. CASE TRACK:
- | | |
|---|---|
| <input type="checkbox"/> Expedited | <input type="checkbox"/> Administrative |
| <input type="checkbox"/> Standard | <input type="checkbox"/> Mass Tort |
| <input checked="" type="checkbox"/> Complex | <input type="checkbox"/> Suspension Track |

2. ALTERNATIVE DISPUTE RESOLUTION [ADR].

☐ A. Alternative dispute resolution techniques appear helpful and will be used in this civil action as follows:

☒ B. At the time this Case Management Order is offered it does not appear that alternative dispute resolution techniques will be used in this civil action.

3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE.



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 A. The parties consent to trial by a United States Magistrate Judge.

 X B. The parties do not consent to trial by a United States Magistrate Judge.

4. DISCLOSURE.

 A. The pre-discovery disclosure requirements of Uniform Local Rule 5.1(A) have been complied with fully.

 X B. The following additional disclosure is needed and is hereby ordered:

BOTH SIDES SHALL PROVIDE TO THE OTHER NOT LATER THAN JULY 9, 2004, ALL DOCUMENTS AND FILES PERTAINING TO THE THIRTEEN NAMED PLAINTIFFS, OTHER THAN THAT CLAIMED TO BE PRIVILEGED, AS TO WHICH AN APPROPRIATE PRIVILEGE LOG WILL BE FILED BY THAT DATE, IF APPLICABLE. NO FURTHER DISCLOSURES WILL BE REQUIRED UNTIL A RULING ON THE DEFENDANTS' MOTION TO DISMISS.

5. MOTIONS; ISSUE BIFURCATION.

 X A. The court finds and orders that early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:

DEFENDANTS' MOTION TO DISMISS IS PRESENTLY PENDING BY THE DISTRICT JUDGE. ALL DISCOVERY AND ALL ISSUES PERTAINING TO CLASS CERTIFICATION IS STAYED PENDING A RULING ON THE MOTION TO DISMISS EXCEPT AS HEREINAFTER PROVIDED.

 X B. The court finds and orders that staged resolution, or bifurcation of the issues for trial in accordance with FED. R. CIV. P. 42(b),

 X (1) Will not assist in the prompt resolution of this action.

 (2) Will not assist in the prompt resolution of this action.

Accordingly, the court orders that:

6. DISCOVERY PROVISIONS AND LIMITATIONS.

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PRIOR TO A RULING ON THE DEFENDANTS' MOTION TO DISMISS DISCOVERY IS LIMITED TO TEN DEPOSITIONS PER SIDE NOT TO EXCEED THREE HOURS EACH. AFTER A RULING ON DEFENDANTS' MOTION TO DISMISS, THE PARTIES SHALL APPLY TO THE UNDERSIGNED FOR A FURTHER SCHEDULING ORDER CONCERNING APPROPRIATE DISCOVERY ON THE ISSUES, IF ANY, REMAINING FOR THE COURT. THE PARTIES ARE ADMONISHED THAT IN THE EVENT THAT APPLICATION IS MADE TO THE COURT TO SET REASONABLE ATTORNEYS' FEES, THE COURT WILL LIKELY LOOK WITH DISFAVOR UPON ANY EFFORT TO CHARGE FOR THE ATTENDANCE OF MORE THAN ONE ATTORNEY AT ANY DEPOSITION, HEARING OR PRE-TRIAL EVENT.

7. **Scheduling Deadlines** *The appropriate scheduling deadlines based upon the track designation shall not be included in the proposed Case Management Order. (Deadlines shall be determined at the telephonic case management conference).*

SCHEDULING DEADLINES
(To be completed by the court only)

IT IS HEREBY ORDERED AS FOLLOWS:

8. **Trial.**

- A. This action is set for trial commencing on: NOVEMBER 13, 2005
- B. Reserved Trial Period (two-week limitation): NOVEMBER 13-25, 2005
- C. Conflicts (the court will only consider conflicts specified in this Case Management Order):
None
- D. This is a non-jury trial.

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9. **Pretrial.** The pretrial conference is set on: October 17, 2005

10. **Discovery.** All discovery shall be completed by: July 13, 2005

11. **Amendments.** Motions for joinder of parties or amendments to the pleadings shall be filed by: JULY 15, 2004

12. **Experts.** The parties' experts shall be designated by the following dates:

A. Plaintiff: APRIL 13, 2005

B. Defendant: MAY 13, 2005

13. **Motions** All motions other than motions *in limine* shall be filed by: JULY 28, 2005

The deadline for motions *in limine* is ten days before the pretrial conference; the deadline for responses is five days before the pretrial conference.

14. **Settlement Conference.** The undersigned Magistrate Judge shall conduct a settlement conference at the James Eastland Courthouse, 245 E. Capitol Street, Conference Room 506, Jackson, MS on: a later date to be established upon request of the parties or *sua sponte* by the Court.

ORDERED: JULY 16, 2004

Date


UNITED STATES MAGISTRATE JUDGE